

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re VEECO INSTRUMENTS INC.	:	Case No.: 7:05-md-01695 (CM)(GAY)
SECURITIES LITIGATION	:	
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THIS DOCUMENT RELATES TO	:	
ALL ACTIONS	:	
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**LEAD PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR FINAL  
APPROVAL OF SETTLEMENT AND PLAN OF ALLOCATION**

PLEASE TAKE NOTICE that, upon the papers to be filed with the Court, Lead Plaintiff, by its counsel Berger & Montague, P.C., pursuant to Fed. R. Civ. P. 23(e), will move the Court, before the Honorable Colleen McMahon, United States District Judge, on November 7, 2007, for entry of the proposed form of Final Approval Order and Judgment of Dismissal with Prejudice, Exhibit C to the Stipulation and Agreement of Settlement, for final approval of the proposed settlement of the above-captioned class action (the "Action") and Plan of Allocation.

PLEASE TAKE FURTHER NOTICE that, Lead Plaintiff will rely upon (a) the record herein; (b) the Stipulation previously filed with the Court and approved by the Court by Order dated August 23, 2007; (c) Lead Plaintiff's Memorandum of Law in Support of its Motion for Final Approval of Settlement and Plan of Allocation; (d) Lead Plaintiff's Memorandum of Law in Support of its Motion for an Award of Attorneys' Fees and Expenses, and Reimbursement of Reasonable Costs and Expenses to Lead Plaintiff for Representation of the Class; (e) Affidavit of Carole A. Broderick in Support of Petition for Attorneys' Fees and Reimbursement of Expenses Filed on Behalf of Berger & Montague, P.C.; (f) Declaration of Richard S. Hoffmann, Esquire, General Counsel of Lead Plaintiff Steelworkers Pension Trust in Support of an Award to Steelworkers for Reimbursement of

Reasonable Costs and Expenses Incurred in Representation of the Class and in Support of Final Approval of the Settlement and of Lead Counsel's Application for Attorneys' Fees; (g) the Declaration of Carole A. Broderick, Esq. in Support of Final Approval of the Settlement, Lead Counsel's Request for Attorneys' Fees and Reimbursement of Expenses, and Award to Lead Plaintiff for Costs and Expenses; and (h) the Affidavit of Edward J. Sincavage, C.P.A., of Heffler Radetich & Saitta L.L.P., the Claims Administrator, Regarding Dissemination of Notice to the Class.

WHEREFORE, Lead Plaintiff respectfully requests that the Court grant the motion for approval of the Settlement and Plan of Allocation as fair, reasonable and adequate and enter the proposed Final Approval Order and Judgment of Dismissal with Prejudice. The proposed form of Order is submitted herewith.

Dated: October 26, 2007

**BERGER & MONTAGUE, P.C.**

By: 

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***Lead Counsel for Lead Plaintiff Steelworkers  
Pension Trust and the Class***